

DUBLIN DIVISION

Defendants.

ORDER

Plaintiff, an inmate at Coastal State Prison in Garden City, Georgia, is proceeding *pro se* and requested permission to proceed *in forma pauperis* (“IFP”) in the above-captioned case brought pursuant to 42 U.S.C. § 1983. On August 4, 2015, the Court directed Plaintiff to return his Prisoner Trust Fund Account Statement and Consent to Collection of Fees forms within thirty days and advised Plaintiff that all prisoners, even those proceeding IFP, must pay the filing fee of \$350.00 in full. 28 U.S.C. § 1915(b)(1). Plaintiff was cautioned that failure to respond would be an election to have this case voluntarily dismissed without prejudice. (See doc. no. 10.) When the time to respond passed, and Plaintiff had submitted a Prisoner Trust Fund Account Statement but not a Consent to Collection of Fees form as required by the August 4th Order, the Court recommended dismissal of the case without prejudice in a Report and Recommendation (“R&R”) dated October 28, 2015. (Doc. no. 14.)

However, after entering the R&R, the Court received Plaintiff's Consent to Collection of Fees form. Accordingly, and in an abundance of caution, the Court hereby **VACATES** the October 28th R&R. (Doc. no. 14.)

As noted above, Plaintiff has now furnished a certified copy of his trust fund account statement and has consented to the collection in installments of the \$350.00 filing fee and any Court costs from his prison trust account. Based on the information furnished by Plaintiff, the Court **ORDERS** Plaintiff to pay an initial filing fee of **\$21.17** within thirty days from the date of this Order.¹

If Plaintiff does not have sufficient funds in his account to pay the initial partial filing fee of **\$21.17**, Plaintiff's custodian (or his designee) shall forward all available funds and carry the balance forward each month until the initial partial filing fee is paid in full. Plaintiff shall not be permitted to withdraw funds from his prison account until this initial fee has been paid.

IT IS FURTHER ORDERED that after the initial partial filing fee has been paid, Plaintiff's custodian or his designee shall set aside twenty percent (20%) of all deposits to Plaintiff's trust fund account and forward those funds to the Clerk each time the set aside amount exceeds \$10.00 until the \$350.00 filing fee has been paid in full.

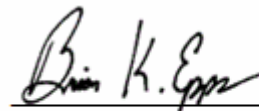
IT IS FURTHER ORDERED that all payments shall be designated as made in payment of the filing fee for Civil Action No. 315-067. In the event Plaintiff is transferred to another institution, Plaintiff's present custodian shall forward a copy of this Order and all

¹The Clerk is **DIRECTED** to inform the Court immediately of any payment received from Plaintiff of the initial filing fee.

financial information concerning payment of the filing fee and costs in this case to Plaintiff's new custodian. The balance due from Plaintiff shall be collected by the custodian at his next institution in accordance with the terms of this Order.

The Clerk of Court is **DIRECTED** to serve this Order on Plaintiff and Plaintiff's custodian (warden).

SO ORDERED this 13th day of November, 2015, at Augusta, Georgia.

A handwritten signature in black ink, appearing to read "Brian K. Epps", is written over a horizontal line.

BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA